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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,417	02/26/2004	Martin von Werder	2001P80126WOUS	2796

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SIEMENS SCHWEIZ
I-44, INTELLECTUAL PROPERTY
ALBISRIEDERSTRASSE 245
ZURICH, CH-8047
SWITZERLAND

EXAMINER

LEE, KEVIN L

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/786,417	Applicant(s) WERDER, MARTIN VON	
	Examiner KEVIN L. LEE	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>June 3, 2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 8 of claim 1, the recitation of "said cast" lacks antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalebjian et al (U.S. Patent No. 5,794,591) in view of Soubjaki (DE 10105526). The patent to Kalebjian et al discloses a method for making a throttle valve housing and throttle valve, the method comprising the steps of fabricating the housing (12) and throttle valve (10) as a single cast molded piece, demolding the cast and cutting along a radially encircling edge of the throttle valve so as to separate the valve and housing, see Figure 8, col. 5, lines 17-21 and col. 3, lines 52-57. A cutting tool is

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used to separate the molded throttle valve from the housing, col. 3, lines 52-56. The valve housing and valve body are molded from a plastic material. The method does not state which molding process is used to fabricate the molded piece. The patent to Soubjaki teaches fabricating a throttle valve housing and throttle valve body by injection molding to minimize the number of assembly steps, reduce the cost of manufacture and provide a precision product which requires no further work to ensure that the housing and valve fit together (see English translation provided herewith). In view of the teaching of Soubjaki, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the valve of Kalebjian et al to include forming the valve body and throttle valve by injection molding to minimize the number of assembly steps, reduce the cost of manufacture and provide a precision product which requires no further work to ensure that the housing and valve fit together.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kalebjian et al (U.S. Patent No. 5,794,591) in view of Soubjaki (DE 10105526) applied to claim 1 above, and further in view of Krimmer et al (U.S. Patent No. 6,901,942). The valve of Kalebjian et al lacks using a laser to cut the throttle valve from the housing. The patent to Krimmer et al teaches the above exception in using a laser to cut the throttle valve free of the housing so that the throttle valve can pivot, col. 2, lines 31-38. In view of the teaching of Krimmer et al, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the valve of Kalebjian et al to include using a laser as an alternate means of separating the throttle valve from the molded housing.

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Claims 1, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalebjian et al in view of Nogle (U.S. Patent No. 5,941,270). The patent to Kalebjian et al discloses a method for making a throttle valve housing and throttle valve, the method comprising the steps of fabricating the housing (12) and throttle valve (10) as a single cast molded piece, demolding the cast and cutting along a radially encircling edge of the throttle valve so as to separate the valve and housing, see Figure 8, col. 5, lines 17-21 and col. 3, lines 52-57. The molding process lacks being a light-metal injection. The patent to Nogle teaches fabricating a throttle valve housing of injection aluminum molding, col. 3, lines 16-18. In view of the teaching of Nogle, it would have been obvious to one of ordinary skill in the art to modify the valve of Kalebjian et al to include forming the valve body and throttle valve by injection aluminum molding to provide a strong, light-weight precision product which requires no further work to ensure that the housing and valve fit together.

Allowable Subject Matter

Claims 7-13 and 16-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN L. LEE whose telephone number is (571) 272-4915. The examiner can normally be reached on MONDAY-THURSDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE MANCENE can be reached on (571) 272-4930. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEPTEMBER 15, 2005


Kevin Lee
Primary Examiner